

Video Deposition of Carren Corcoran 9/28/2016

<div>Page 1</div> <div>Witness Carren Corcoran</div> <div>Wednesday 09/28/2016 at 10:00 by: Claire Ziffer</div> <div>Boardman & Clark, LLP 1 S. Pinckney St. #410 Madison, WI 53703</div> <div>Estate of DiPiazza v. City of Madison 16-CV-60 United States District Court Western District of Wisconsin</div>	<div>1INDEX</div> <div>2EXAMINATION BYPAGE NO.</div> <div>3Ms. Farrell 3</div> <div>4EXHIBIT NO. PAGE NO.</div> <div>539 - Witness's DCI report 9</div> <div>6=====</div> <div>7EXAMINATION</div> <div>8BY MS. FARRELL:</div> <div>9Q Good morning. Can you please state your full name for</div> <div>10the record?</div> <div>11A Yes. My first name is Carren, C-a-r-r-e-n. Last name</div> <div>12is Corcoran. It's C-o-r-c-o-r-a-n.</div> <div>13Q The other officers call you "CC"?</div> <div>14A Sometimes. Yeah.</div> <div>15Q Helps me remember that it's spelled with a "C" and not</div> <div>16a "K."</div> <div>17A Yeah.</div> <div>18Q Are you employed with the Madison Police Department?</div> <div>19A Yes.</div> <div>20Q As a patrol officer or something else?</div> <div>21A I'm full-time citywide K9 handler.</div> <div>22Q How long have you been a full-time citywide K9</div> <div>23handler?</div> <div>24A A K9 handler, six years.</div> <div>25Q And what did you do prior to that?</div>
<div>Page 2</div> <div>1APPEARANCES</div> <div>2Andrea J. Farrell</div> <div>3Jeff Scott Olson Law Firm, S.C.</div> <div>4131 W. Wilson St. #1200</div> <div>5Madison, WI 53703</div> <div>6On behalf of the Plaintiff</div> <div>7</div> <div>8Amanda J. Kaiser</div> <div>9Boardman & Clark, LLP</div> <div>101 S. Pinckney St. #410</div> <div>11Madison, WI 53703</div> <div>12On behalf of the Defendants</div> <div>13</div> <div>14Patricia A. Lauten</div> <div>15Madison City Attorneys Office</div> <div>16210 Martin Luther King, Jr. Blvd #410</div> <div>17Madison, WI 53703</div> <div>18On behalf of the Defendants</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div>	<div>1A I've been with the Madison Police Department for 26</div> <div>2years. I started out and worked patrol for nine,</div> <div>3worked in the drug task force for one year, did</div> <div>4neighborhood for six years on Allied Drive, and then</div> <div>5worked in community police teams in the West District,</div> <div>6on both sides of the city as it got into bigger units,</div> <div>7and then became K9.</div> <div>8Q So you started with the Madison Police Department</div> <div>9about 26 years ago?</div> <div>10A Uh-huh.</div> <div>11Q Yes?</div> <div>12A Yes.</div> <div>13Q You spent nine years as a patrol officer?</div> <div>14A About that, yes.</div> <div>15Q Okay. And then one year as a dark task force?</div> <div>16A Dane County Narcotics and Gang Task Force, Street</div> <div>17Operations.</div> <div>18Q And following a year of that, you spent about ten</div> <div>19years doing community policing?</div> <div>20A Yes. Between neighborhood and then in the community</div> <div>21police teams as a neighborhood officer.</div> <div>22Q And then following that, you've spent six years as a</div> <div>23full-time citywide K9 handler?</div> <div>24A Yes.</div> <div>25Q And that brings us to the present day.</div>

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<p>1 A Yes.</p> <p>2 Q Okay. And are you not considered a patrol officer</p> <p>3 when you're in these other positions: K9 handler,</p> <p>4 community policing or neighborhood officer, or the</p> <p>5 drug task force?</p> <p>6 A My rank is police officer. I'm assigned to a special</p> <p>7 unit, specialized unit, which is K9. So my title is</p> <p>8 "Police Officer Carren Corcoran."</p> <p>9 Q Okay. And what were your duties on the drug task</p> <p>10 force that were different from a patrol officer's</p> <p>11 duties?</p> <p>12 A Oh. At that time, we would receive intelligence about</p> <p>13 possible drug activity throughout the city. And it</p> <p>14 was a small unit, and we would address those areas as</p> <p>15 a small unit. So generally, most of us would be in</p> <p>16 uniform and possibly one person plain-clothes to do</p> <p>17 observations.</p> <p>18 Q And then how do your duties as a community police</p> <p>19 officer and neighborhood officer differ from that of a</p> <p>20 patrol officer?</p> <p>21 A As the Allied neighborhood officer, my entire</p> <p>22 responsibility was more proactive policing versus</p> <p>23 reactive. And this was many years ago. So I attended</p> <p>24 community meetings, had an office in the neighborhood,</p> <p>25 responded to all calls related to the neighborhood,</p>	<p>1 call comes in, I can break to go take that. The idea</p> <p>2 being is that they want us to stay available to help</p> <p>3 out with anything that's K9 related, potentially.</p> <p>4 Q And what kind of calls are K9 related?</p> <p>5 A We work dual purpose patrol dogs, so they do narcotics</p> <p>6 detection, area search, article search. They are</p> <p>7 apprehension dogs. And then we also do a lot of</p> <p>8 scent-specific trailing on cases, whether it's a</p> <p>9 missing person, suicidal person, an armed robbery</p> <p>10 suspect, a burglary suspect, so...</p> <p>11 Q And then you said a lot of your job is log-keeping?</p> <p>12 A We have to keep training logs, separate from police</p> <p>13 reports. Everything the K9 does, we have to enter</p> <p>14 into a software program, which is just a lot of data-</p> <p>15 keeping, because we basically have to record</p> <p>16 everything the dog does, whether it's training or</p> <p>17 calls for service.</p> <p>18 Q I'm going to take you back to May 18th, 2014, which is</p> <p>19 the date of the Ashley DiPiazza officer-involved</p> <p>20 shooting. Do you recall that?</p> <p>21 A Yes.</p> <p>22 Q You responded to that call at some point?</p> <p>23 A Yes.</p> <p>24 Q And were you called to the scene or did you go on your</p> <p>25 own because you thought your dog might be helpful?</p>
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<p>1 worked with all the resources there: social services,</p> <p>2 the health department, etcetera, etcetera. So that</p> <p>3 was my primary responsibility.</p> <p>4 Q And now as a K9 handler, how do your duties differ</p> <p>5 from that of a patrol officer?</p> <p>6 A My responsibility is to be on the street with the dog</p> <p>7 throughout the city, and as calls come along that</p> <p>8 either a request for a K9 is made or, in hearing the</p> <p>9 call, there may be a possibility of the need for the</p> <p>10 K9, we respond to it. Other responsibilities are</p> <p>11 training the dog, and we have a lot of log-keeping,</p> <p>12 and then log-keeping for the dog training and calls.</p> <p>13 And then we can always -- if we're in an area, we can</p> <p>14 always stop in on a call to assist.</p> <p>15 Q So you listen to dispatch calls and if you think, "My</p> <p>16 dog might be helpful in this situation," you would go</p> <p>17 to that call citywide.</p> <p>18 A Twofold. One is, if I'm in the area and a call comes</p> <p>19 in, that either one officer is going and needs backup</p> <p>20 and I'm close, I would go, whether it's a dog call or</p> <p>21 not; or a bigger call where they just need resources,</p> <p>22 I would also take on that responsibility. However, my</p> <p>23 -- when I'm in down time. But my primary</p> <p>24 responsibility is to respond to K9 calls. So if I'm</p> <p>25 on a significant event, but no major role, and a K9</p>	<p>1 A I received -- I heard the call. I then received a</p> <p>2 cell phone call from Sergeant Fuhremann asking if I</p> <p>3 had heard the call and then asked if I would go.</p> <p>4 Q And did he say anything further as to why he wanted</p> <p>5 you to go?</p> <p>6 A He did not.</p> <p>7 Q So he called you on a cell phone?</p> <p>8 A Yes.</p> <p>9 Q And you answered and said, "Hello"?</p> <p>10 A Yes.</p> <p>11 Q And what did he say, to the best of your memory?</p> <p>12 A "Did you" -- basically, from my recollection, "Did you</p> <p>13 hear the call?" "Yep." And, "Could you start that</p> <p>14 way?" I could not say exactly what he thought I was</p> <p>15 going to be able to do, but I went.</p> <p>16 Q All right. You said, "Yes, I'll start that way"?</p> <p>17 A Yes.</p> <p>18 Q And then you did.</p> <p>19 A And then I responded to the area, yes.</p> <p>20 Q And did he give you any information about what was</p> <p>21 going on at that scene?</p> <p>22 A I don't recall if he gave it to me or if I heard it on</p> <p>23 the radio first.</p> <p>24 Q Whether or not you had heard it on the radio first.</p> <p>25 A Did he say anything? I don't recall what exactly the</p>

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<p>1 conversation was.</p> <p>2 Q Would it be typical in a situation like that, where a</p> <p>3 sergeant is asking you to respond to a scene, for them</p> <p>4 to give you some information about why they want you</p> <p>5 to go or what's going on there?</p> <p>6 A Typically, the assumption is, I'm listening to the</p> <p>7 radio because we're citywide, and we would have the</p> <p>8 gist of the call, so, and also because I'm a very</p> <p>9 senior officer, sometimes they'll -- a sergeant will</p> <p>10 ask me to go just to be an extra body or just jump in</p> <p>11 to help if there's something on the edges that I can</p> <p>12 do to help.</p> <p>13 Q Extra experience on the scene.</p> <p>14 A Yes. Yeah.</p> <p>15 Q And did you do any log-keeping regarding your dog as a</p> <p>16 result of your being on the scene of the Ashley</p> <p>17 DiPiazza?</p> <p>18 A No. Because the dog wasn't utilized at all.</p> <p>19 Q Did you make any report at all about the Ashley</p> <p>20 DiPiazza scene?</p> <p>21 A I was interviewed by DCI, so they did the report. I</p> <p>22 didn't do anything additional.</p> <p>23 Q And I will show you what's been marked as Exhibit 39.</p> <p>24 A Okay.</p> <p>25 (Exhibit 39 identified)</p>	<p>1 A One was, one was not.</p> <p>2 Q Do you recall what case you were deposed in that was</p> <p>3 pursuant to your duties at the Madison Police</p> <p>4 Department?</p> <p>5 A Vaguely. It was when I was still in patrol, so maybe</p> <p>6 in 1995. I had been an officer a couple of years, and</p> <p>7 it was in reference to -- I took a sexual assault of a</p> <p>8 juvenile male who raped his grandmother, and the</p> <p>9 deposition was in regards to how he ended up at his</p> <p>10 grandmother's that day.</p> <p>11 Q Okay. So you responded to a call for service</p> <p>12 regarding the sexual assault intrafamily?</p> <p>13 A Yes.</p> <p>14 Q And so there was a subsequent lawsuit, I'm assuming?</p> <p>15 A Yes.</p> <p>16 Q And it was a civil lawsuit?</p> <p>17 A Yes.</p> <p>18 Q Were you a defendant in the lawsuit?</p> <p>19 A No.</p> <p>20 Q You were just a witness to talk about what you saw</p> <p>21 when you arrived to that call.</p> <p>22 A I was a witness to what my part was in the</p> <p>23 investigation of the sexual assault.</p> <p>24 Q And what was the other case where you've been deposed?</p> <p>25 A I was a witness in a coroner taking human remains.</p>
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<p>1 Q And is that your report of the incident as completed</p> <p>2 by DCI based on your interview?</p> <p>3 A Yes.</p> <p>4 Q And you reviewed that in preparation for your</p> <p>5 deposition today?</p> <p>6 A Yes.</p> <p>7 Q Have you done anything else to prepare for your</p> <p>8 deposition today?</p> <p>9 A Meet for deposition preposit-- preparing last week.</p> <p>10 Q With your attorney?</p> <p>11 A With her.</p> <p>12 Q Amanda Kaiser?</p> <p>13 A Amanda.</p> <p>14 THE WITNESS: Sorry, Amanda.</p> <p>15 MS. KAISER: That's okay.</p> <p>16 BY MS. FARRELL:</p> <p>17 Q Anything else to prepare for your deposition?</p> <p>18 A Other than to read over it once this morning, I</p> <p>19 haven't done any preparation.</p> <p>20 Q Have you been deposed before?</p> <p>21 A Yes.</p> <p>22 Q How many times?</p> <p>23 A Twice, that I can recall.</p> <p>24 Q And were those depositions given pursuant to your</p> <p>25 employment with the Madison Police Department?</p>	<p>1 Q But that was unrelated to your employment with the</p> <p>2 Madison Police Department?</p> <p>3 A Yes. Correct.</p> <p>4 Q Were you a party in that lawsuit?</p> <p>5 A No.</p> <p>6 Q Do you recall when that was?</p> <p>7 A Possibly four years ago.</p> <p>8 Q Was it something that you had witnessed off duty or in</p> <p>9 your personal life or...</p> <p>10 A Off duty in my personal life, yes.</p> <p>11 Q Was a family member of yours a party?</p> <p>12 A No.</p> <p>13 Q And I'm assuming you've testified in court before?</p> <p>14 A Yes.</p> <p>15 Q Many times?</p> <p>16 A Not many, but long times.</p> <p>17 Q What do you mean by that?</p> <p>18 A Just been on the stand a long time.</p> <p>19 Q Do you recall approximately how many times you've</p> <p>20 testified in court?</p> <p>21 A Forty?</p> <p>22 Q And have those all been related to your employment in</p> <p>23 the Madison Police Department?</p> <p>24 A Not all of them.</p> <p>25 Q Approximately how many of those were unrelated to your</p>

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<p>1 employment with the Madison Police Department?</p> <p>2 A Four times.</p> <p>3 Q In any of those four times, were you a plaintiff or a</p> <p>4 defendant in the case?</p> <p>5 A I was a witness.</p> <p>6 Q All four times?</p> <p>7 A Yes.</p> <p>8 Q Things that happened while you were off duty and in</p> <p>9 your personal life?</p> <p>10 A Correct.</p> <p>11 Q You were interviewed by the DCI, which resulted in</p> <p>12 your report, Exhibit 39, correct?</p> <p>13 A Yes.</p> <p>14 Q Do you recall when you were interviewed?</p> <p>15 A Within the evening to morning of the incident, after.</p> <p>16 Q So several hours after the incident?</p> <p>17 A Yes.</p> <p>18 Q And approximately how long did your interview last?</p> <p>19 A Twenty minutes, half an hour.</p> <p>20 Q And at any time after your interview, were you given a</p> <p>21 chance to review your report?</p> <p>22 A I don't recall.</p> <p>23 Q Do you recall ever speaking to DCI again about what</p> <p>24 you witnessed or what your involvement was at the</p> <p>25 scene?</p>	<p>1 Q And then is the next thing you remember that at some</p> <p>2 point you received a call from Sergeant Fuhremann who</p> <p>3 asked if you had been monitoring the radio traffic?</p> <p>4 A Yes.</p> <p>5 Q And you said that you were?</p> <p>6 A Yes.</p> <p>7 Q And so Sergeant Fuhremann asked that you report to the</p> <p>8 incident at 1121 MacArthur Road, Apartment 2?</p> <p>9 A Yes.</p> <p>10 Q And you don't recall anything in more detail about the</p> <p>11 conversation with Sergeant Fuhremann?</p> <p>12 A It was brief. I don't recall any other details.</p> <p>13 Q So then you proceeded to the scene?</p> <p>14 A Yes.</p> <p>15 Q Do you recall how long it took you to get there?</p> <p>16 A I believe I was on Stoughton Road, so maybe five</p> <p>17 minutes, six minutes?</p> <p>18 Q And did you continue listening to the radio as you</p> <p>19 were driving?</p> <p>20 A Yes.</p> <p>21 Q And while listening to the radio, did you hear</p> <p>22 Sergeant Sweeney report that a woman had stepped out</p> <p>23 of her apartment with a gun to her head and then went</p> <p>24 back into her apartment?</p> <p>25 A Yes.</p>
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<p>1 A I don't remember. Sorry.</p> <p>2 Q Do you recall ever making any changes to your report?</p> <p>3 A I don't recall.</p> <p>4 Q Do you know if it's a general practice when the DCI</p> <p>5 does an investigation into an officer-involved</p> <p>6 shooting to allow officers to review their reports</p> <p>7 before they become finalized, check for errors, that</p> <p>8 sort of thing?</p> <p>9 A I would assume that is protocol, yes.</p> <p>10 Q And would you assume that based on your 26 years</p> <p>11 experience?</p> <p>12 A Yes.</p> <p>13 Q And is the first time you ever heard of anything</p> <p>14 involving Ashley DiPiazza when you heard the radio</p> <p>15 call coming in regarding a suicide female with a gun</p> <p>16 on May 18th, 2014?</p> <p>17 A Yes.</p> <p>18 Q After you heard that call on the radio, you continued</p> <p>19 listening to the Dispatch recordings about the</p> <p>20 incident?</p> <p>21 A Yes.</p> <p>22 Q And do you recall if you were in your squad car, at</p> <p>23 the department, or doing something when you heard this</p> <p>24 call go off?</p> <p>25 A I was in my squad car, patrolling.</p>	<p>1 Q And do you remember any other significant radio calls</p> <p>2 on your travels to the scene?</p> <p>3 A I don't.</p> <p>4 Q So is the next thing you remember is arriving at the</p> <p>5 scene?</p> <p>6 A Yes.</p> <p>7 Q And when you arrived at the scene, did you see</p> <p>8 Sergeant Blackamore and Officer Hamilton?</p> <p>9 A Yes.</p> <p>10 Q And did you believe they had just arrived?</p> <p>11 A Yes.</p> <p>12 Q And are those the first two people you saw when you</p> <p>13 arrived at the scene?</p> <p>14 A I believe so, yes.</p> <p>15 Q And why did you think that Sergeant Blackamore and</p> <p>16 Officer Hamilton had just arrived?</p> <p>17 A Physically, they were ahead of me in the parking lot</p> <p>18 as I was walking into the scene.</p> <p>19 Q Did you see them pull in in their squad cars?</p> <p>20 A I don't recall.</p> <p>21 Q Did you see them standing outside or walking outside</p> <p>22 in some manner?</p> <p>23 A I don't recall if I saw them in the lot first or in</p> <p>24 the back door area.</p> <p>25 Q You just recall that they were on the scene before you</p>

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<p>1 and that they were the first people you saw when you</p> <p>2 arrived.</p> <p>3 A I believe so, yes.</p> <p>4 Q Did you speak with Sergeant Blackamore and/or Officer</p> <p>5 Hamilton at that time?</p> <p>6 A If I did, it was nothing of significance, other than</p> <p>7 moving to the back of the building.</p> <p>8 Q And why did you move to the back of the building?</p> <p>9 A That was where -- and how I know that, I don't know.</p> <p>10 But that was where officers were staging, involved in</p> <p>11 the call.</p> <p>12 Q What does "staging" mean?</p> <p>13 A Where you get together as a group and get your</p> <p>14 assignments. So it would be just a little bit away</p> <p>15 from whatever is going on.</p> <p>16 Q Was anyone else at the back of the building, other</p> <p>17 than Sergeant Blackamore and Officer Hamilton, that</p> <p>18 you recall?</p> <p>19 A It's a little confusing how fluid everything was, but</p> <p>20 there were more officers in the building, whether they</p> <p>21 were physically at the back door or in the middle of</p> <p>22 the hallway. The best I can recollect is Officer Nick</p> <p>23 Eull was there and Sergeant Sweeney.</p> <p>24 Q Did you speak with Officer Eull at this point, that</p> <p>25 you can recall?</p>	<p>1 about how they could help slow it down or obtain a</p> <p>2 second ballistic shield?</p> <p>3 A I don't recall.</p> <p>4 Q Was there any discussion around this time of whether</p> <p>5 they should have some less-lethal weapons available?</p> <p>6 A I don't recall that.</p> <p>7 Q And had you left your K9, Slim, in the squad car?</p> <p>8 A Upon arriving, based on what I heard, I did not deem a</p> <p>9 need for him at that point, so I left him safely in</p> <p>10 the squad car, away from the scene.</p> <p>11 Q And did he remain in your squad car for the entire</p> <p>12 time that you were on the scene?</p> <p>13 A He was never utilized at the scene. Did he get out to</p> <p>14 go to the bathroom later? I don't recall if I did</p> <p>15 that.</p> <p>16 Q And the back door of the apartment building was</p> <p>17 propped open?</p> <p>18 A Sometimes it was, yes.</p> <p>19 Q When you first approached, the back door was propped</p> <p>20 open; is that correct?</p> <p>21 A I believe so.</p> <p>22 Q And did you stick your head inside the doorway and</p> <p>23 could hear Officer Carey Leerek maintaining the</p> <p>24 dialogue with Ashley?</p> <p>25 A Yes.</p>
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<p>1 A I do not believe Nick and I spoke at all.</p> <p>2 Q And did you hear Sergeant Sweeney at this time talking</p> <p>3 about slowing things down at the scene?</p> <p>4 A Yes.</p> <p>5 Q Do you recall what he was saying with any more detail</p> <p>6 than that?</p> <p>7 A By refreshing my memory, there was a discussion about</p> <p>8 getting a second shield, other than slowing it down.</p> <p>9 Q Okay. And was Sergeant Sweeney speaking to you or was</p> <p>10 he speaking to someone else, or in general, and you</p> <p>11 were overhearing or can you not recall?</p> <p>12 A Definitely he wasn't speaking to me. And I don't</p> <p>13 recall if I saw it or heard it on the radio.</p> <p>14 Q All that you can recall is that Sergeant Sweeney was</p> <p>15 talking about slowing things down at the scene and</p> <p>16 trying to obtain another ballistic shield for use.</p> <p>17 A Yes.</p> <p>18 Q And you didn't speak with Sergeant Sweeney at this</p> <p>19 time.</p> <p>20 A I did not speak to him directly about that.</p> <p>21 Q So you didn't ask, "How can I help slow things down?"</p> <p>22 or "How can I help obtain a second ballistic shield?"</p> <p>23 or anything?</p> <p>24 A I did not.</p> <p>25 Q Did you hear anybody talking with Sergeant Sweeney</p>	<p>1 Q What could you hear being said?</p> <p>2 A I could mostly hear Carey asking her to speak louder</p> <p>3 or that she couldn't hear her, something to that</p> <p>4 effect.</p> <p>5 Q Could you hear anything from Ashley?</p> <p>6 A I could hear a female voice, and at some point she</p> <p>7 communicated that she had a family member in law</p> <p>8 enforcement.</p> <p>9 Q Could you hear anything else from Ashley?</p> <p>10 A I could not, no. From the back hallway, I could not.</p> <p>11 Q Could you hear Ashley crying or anything like that?</p> <p>12 A I don't believe I could hear her that well. The only</p> <p>13 time I could hear her was because Carey was asking her</p> <p>14 maybe to repeat, and so she was louder talking about</p> <p>15 law enforcement, is what I think is how I heard that.</p> <p>16 Q And so from the back door of the apartment building,</p> <p>17 could you hear Officer Carey Leerek saying to Ashley,</p> <p>18 "Could you open the door a little? I can hardly hear</p> <p>19 you," and then saying, "Thank you so much"?</p> <p>20 A Yes.</p> <p>21 Q Can you recall anything more specific than that?</p> <p>22 A I don't recall.</p> <p>23 Q And could you hear anybody else speaking to Ashley at</p> <p>24 that point or was it just Carey Leerek?</p> <p>25 A From what I recall, it was just Carey speaking with</p>

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<p>1 her.</p> <p>2 Q And were the other officers in the hallway trying to</p> <p>3 be quiet so that Leerek and Ashley could hear each</p> <p>4 other?</p> <p>5 A I don't know if they were trying to be. It was quiet</p> <p>6 and very clear what I could hear of Carey.</p> <p>7 Q Okay. And from the back door, you could see all the</p> <p>8 way to the other end of the hallway where the front</p> <p>9 door was.</p> <p>10 A Yes.</p> <p>11 Q But you couldn't actually see the officers standing at</p> <p>12 the door.</p> <p>13 A My vantage point was straight down the hall to the</p> <p>14 front door, and there was some sort of a wall in the</p> <p>15 hallway that was built out, so it wasn't a clear view</p> <p>16 to where her apartment ended up being around the -- to</p> <p>17 the front door, around a corner. So I couldn't see</p> <p>18 who was down there.</p> <p>19 Q Okay. But you could just hear that Carey Leerek was</p> <p>20 down there.</p> <p>21 A Yes.</p> <p>22 Q And you didn't actually know that Officers Bailey and</p> <p>23 Pihlaja were standing at the door with Officer Leerek</p> <p>24 until shots were fired?</p> <p>25 A Correct.</p>	<p>1 could best describe it as the southeast corner. So we</p> <p>2 were on the side closest to the south end of the</p> <p>3 building.</p> <p>4 Q Is the balcony on the south side of the building?</p> <p>5 A Yes.</p> <p>6 Q And the east side of the building looks out to like</p> <p>7 trees?</p> <p>8 A Yes.</p> <p>9 Q So in a position where you had some cover but you</p> <p>10 could peek around and see if anyone was trying to get</p> <p>11 in and off of the balcony.</p> <p>12 A In theory, yes.</p> <p>13 Q And did you speak with Cate Leerek at that corner?</p> <p>14 A Yes. Yes, I did.</p> <p>15 Q Did you ask her if she needed anything, like a coat?</p> <p>16 A Yes.</p> <p>17 Q And did Officer Leerek say she was all right and she</p> <p>18 didn't need anything?</p> <p>19 A That's correct.</p> <p>20 Q Did you have any further discussion at that point?</p> <p>21 A She shared with me her prior experience at that</p> <p>22 address with Ashley, prior to that evening.</p> <p>23 Q I understand that a short while prior to this call,</p> <p>24 Ashley had made a call for service regarding a</p> <p>25 potential break-in or prowler on --</p>
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<p>1 Q Did you know if anybody was standing up there with</p> <p>2 Officer Leerek before shots were fired?</p> <p>3 A I assumed Carey was not up there alone, but I didn't</p> <p>4 know who was up there.</p> <p>5 Q And what's the next thing you did?</p> <p>6 A I don't recall what exchange I had with who was in the</p> <p>7 back door, but I worked my way around the back of the</p> <p>8 building to where Cate Leerek was. So it would have</p> <p>9 been, the best I can describe, southeast corner of the</p> <p>10 actual apartment building.</p> <p>11 Q I understand that there is a balcony off Apartment 2?</p> <p>12 A Which would be Ashley's apartment?</p> <p>13 Q Correct.</p> <p>14 A Okay. Yes. There was a small -- I don't know if</p> <p>15 there was a slider door and a balcony, but there was</p> <p>16 an access point, separate from the apartment door, to</p> <p>17 go outside. So, yes, there was some sort of a small</p> <p>18 structure.</p> <p>19 Q And from where you walked over to Officer Cate Leerek,</p> <p>20 was that in front of the balcony or around the corner</p> <p>21 from the balcony or somewhere else?</p> <p>22 A It was literally against the wall of the building on</p> <p>23 what would be described as the east side of the</p> <p>24 building, almost all the way up to the front of the</p> <p>25 building. So we were against the east wall, but you</p>	<p>1 A Yes.</p> <p>2 Q -- the balcony?</p> <p>3 A Yes. Just that there was a potential burglar of some</p> <p>4 sort. Ashley was wanting to report that.</p> <p>5 Q And Cate Leerek had responded to that call?</p> <p>6 A Yes. With Officer Bee Xiong.</p> <p>7 Q And while you were standing at that corner, what did</p> <p>8 she tell you?</p> <p>9 A Simply that, during that call, they couldn't find any</p> <p>10 evidence of a burglary, and that Ashley shared with</p> <p>11 Cate, or Cate and Bee -- I'm sorry, Officer Xiong, the</p> <p>12 two officers on the scene at that initial call, that</p> <p>13 she had PTSD and had been in the military, possibly</p> <p>14 over in Iraq or Afghanistan. That would be the</p> <p>15 assumption, having been in the military.</p> <p>16 Q Your assumption, Cate Leerek's assumption; whose</p> <p>17 assumption was it that she had been in Afghanistan or</p> <p>18 Iraq?</p> <p>19 A Cate sharing with me her recollection of a prior</p> <p>20 contact with Ashley, that Ashley, during that call,</p> <p>21 had shared with them that she had PTSD from the war.</p> <p>22 And I guess maybe I'm assuming, because of the era,</p> <p>23 that it would have been Afghanistan or Iraq. I don't</p> <p>24 recall if Cate said that or if that was my assumption.</p> <p>25 Q What you recall Cate Leerek telling you is that, "I</p>

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<p>1 was at a call for service here regarding Ashley</p> <p>2 previously, where she wanted to report a burglary, but</p> <p>3 we didn't find evidence of a burglary. And during</p> <p>4 that call, Ashley told us that she has PTSD from the</p> <p>5 war."</p> <p>6 A Correct. To the best of my recollection, that's</p> <p>7 generally what I took from what Cate told me that</p> <p>8 night while we were on the perimeter.</p> <p>9 Q Okay. And can you recall anything else that Cate</p> <p>10 Leerek told you about the prior call at that point in</p> <p>11 time?</p> <p>12 A I don't recall anything else.</p> <p>13 Q And what's the next thing that you did?</p> <p>14 A So after checking in with Cate, seeing that she was</p> <p>15 squared away for a while, I went back to the back door</p> <p>16 and started to check in with -- I don't remember if it</p> <p>17 was Sergeant Sweeney or Sergeant Blackamore. But</p> <p>18 whoever it was, I was asking, again, based on my usual</p> <p>19 responsibilities, I didn't see the need for a K9 at</p> <p>20 that point, so I was going to try to just help out on</p> <p>21 the perimeter, whether I give people relief to go to</p> <p>22 the bathroom or get a coat or a glass of water or</p> <p>23 something. So I talked to, I'm assuming it was</p> <p>24 Sergeant Sweeney, but someone back there and said,</p> <p>25 "How about if I go check everybody?" And they're</p>	<p>1 Q And was the young man in the front seat or the back</p> <p>2 seat?</p> <p>3 A I don't know if it was a male or female, and I don't</p> <p>4 think they were in the -- you know, I don't recall.</p> <p>5 Q I'm just going to have you look --</p> <p>6 A Yep.</p> <p>7 Q -- at page 2 of your report --</p> <p>8 A Okay.</p> <p>9 Q -- to see if it refreshes your recollection at all.</p> <p>10 A I bet it will. Okay. "Was also at the scene..."</p> <p>11 Okay.</p> <p>12 Q Did you just take a look at your report?</p> <p>13 A Yes.</p> <p>14 Q And does that refresh your recollection?</p> <p>15 A Yes. Thank you.</p> <p>16 Q And with your refreshed recollection, is your</p> <p>17 testimony that you saw Officer Xiong with a young man,</p> <p>18 possibly DiPiazza's boyfriend, in the squad car?</p> <p>19 A Yes.</p> <p>20 Q And you don't recall anything further about their</p> <p>21 positions or what the boy was wearing or anything?</p> <p>22 A I don't remember a lot about that. And again,</p> <p>23 probably because my responsibility, or what I was</p> <p>24 trying to figure out what I could do, was not related</p> <p>25 to that, so I just kind of moved through, past.</p>
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<p>1 like, "Yep." So I worked my way around the parking</p> <p>2 lot and got to Officer Heather Dzick because Heather</p> <p>3 was positioned across the parking lot, so the south of</p> <p>4 the building, in between some cars that were parked</p> <p>5 facing south. And so she was looking due north to the</p> <p>6 front door and the Apartment 2 balcony.</p> <p>7 Q Okay. As you were leaving Cate Leerek --</p> <p>8 A Okay.</p> <p>9 Q -- and walking towards the back door, did you see</p> <p>10 Officer Xiong with the boyfriend, Alex, in the squad</p> <p>11 car?</p> <p>12 A I don't recall when I saw that. I did see him in a</p> <p>13 squad car with somebody, and it -- Officer Xiong, but</p> <p>14 I don't know who it was.</p> <p>15 Q Did you assume it was possibly Ashley's boyfriend?</p> <p>16 A You know, I had such limited information, having just</p> <p>17 responded in the middle of it, that I didn't know who</p> <p>18 he was talking to, because it was happening so fast.</p> <p>19 Q At the first time that you saw Officer Xiong, was he</p> <p>20 in the squad car with the young male?</p> <p>21 A To the best of my recollection, the only time I saw</p> <p>22 him was when he was in his squad car with somebody in</p> <p>23 the car, because the dome light was on or a light was</p> <p>24 on inside the car, so I could see him clearly in the</p> <p>25 driver's seat.</p>	<p>1 Q And while you were outside, did you see residents of</p> <p>2 the apartment building being evacuated?</p> <p>3 A At some point in the call, I recall seeing people who</p> <p>4 I assumed were residents coming out of buildings. And</p> <p>5 then it must have been something communicated on the</p> <p>6 radio that that was happening -- I mean, that was who</p> <p>7 the people were.</p> <p>8 Q And did you make the suggestion that a Madison Metro</p> <p>9 bus should be obtained so that the residents would</p> <p>10 have a place to sit and wait?</p> <p>11 A Yes.</p> <p>12 Q Do you know who you made that suggestion to?</p> <p>13 A I don't. Most likely to Sergeant Blackamore, because</p> <p>14 from what I recall, he was kind of working the edges</p> <p>15 of the call to secure things as the sergeant, where</p> <p>16 Sergeant Sweeney was more involved in the interior</p> <p>17 perimeter of the call. And I don't recall if I said</p> <p>18 it on the radio or if I saw Shannon face-to-face.</p> <p>19 Chances were, I said it -- I'm sorry, Sergeant</p> <p>20 Blackamore's face. I said it to his face because I</p> <p>21 didn't want to take up radio time.</p> <p>22 Q And did that come to fruition? Was a Madison Metro</p> <p>23 bus obtained?</p> <p>24 A I don't recall. I can say that I don't recall a bus</p> <p>25 being ever pulled into the parking lot. If there was</p>

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<p>1 a bus, it was away from the area, so I can't say if it</p> <p>2 happened or not.</p> <p>3 Q So going back to the conclusion of your conversation</p> <p>4 with Cate Leerek on the southeast corner...</p> <p>5 A Yes.</p> <p>6 Q You returned to the back door of the apartment</p> <p>7 building?</p> <p>8 A Yes.</p> <p>9 Q And do you recall seeing Officer Hamilton there</p> <p>10 talking on his cell phone?</p> <p>11 A Yes.</p> <p>12 Q Did you interrupt Hamilton while he was on his cell</p> <p>13 phone to have a conversation with him or not?</p> <p>14 A I did not. I know that he's one of the negotiators,</p> <p>15 so I was assuming he was collecting intelligence.</p> <p>16 When they have two there, one will do dialogue. And</p> <p>17 again, I felt like I came in the middle of the call,</p> <p>18 so I didn't want to -- sometimes well intending can</p> <p>19 get in the way. So I did not say anything to him</p> <p>20 while he was on the phone that I can recollect.</p> <p>21 Q Okay. And did you also see Officer Eull standing at</p> <p>22 the back door?</p> <p>23 A Yes.</p> <p>24 Q And you don't recall any conversation with him?</p> <p>25 A He and I did not -- if we spoke, it was -- I don't</p>	<p>1 responding because it seemed like a steady exchange?</p> <p>2 A That, I couldn't say. Sometimes negotiators will just</p> <p>3 continually speak.</p> <p>4 Q Like attorneys.</p> <p>5 A Similar, yet different.</p> <p>6 Q Just kidding.</p> <p>7 A Yeah. And so I don't know. And again, I was always</p> <p>8 in the back very briefly, trying to keep out of the</p> <p>9 way.</p> <p>10 Q The one thing you can recall hearing Ashley say was</p> <p>11 that her uncle was the police chief in Cottage Grove?</p> <p>12 A I think I heard her say it or I heard her yell</p> <p>13 something, and Carey repeated what she said and that's</p> <p>14 how I knew. I cannot recollect if I heard the female</p> <p>15 voice clearly. I could hear somebody that sounded</p> <p>16 female. I don't recall...</p> <p>17 Q I'll just have you look at your report again.</p> <p>18 A Okay.</p> <p>19 Q On page 2, right here, "At some point..."</p> <p>20 A Okay.</p> <p>21 Q Your report says that you heard DiPiazza say that her</p> <p>22 uncle was the police chief in Cottage Grove?</p> <p>23 A Okay.</p> <p>24 Q Does that refresh your recollection?</p> <p>25 A Not really.</p>
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<p>1 think we spoke. I don't recall.</p> <p>2 Q And then you stepped just inside the doorway and</p> <p>3 that's when you saw Sergeant Sweeney?</p> <p>4 A Yes.</p> <p>5 Q And that's when you had the brief conversation about,</p> <p>6 "How about I keep checking on these people on the</p> <p>7 perimeter?"</p> <p>8 A Yes.</p> <p>9 Q And he said, "Yeah. Go do that."</p> <p>10 A Yeah. Yes.</p> <p>11 Q So then you went to check on Heather Dzick?</p> <p>12 A Correct.</p> <p>13 Q When you were at the back door speaking with Sergeant</p> <p>14 Sweeney, you could still hear Officer Carey Leerek</p> <p>15 maintaining a dialogue with Ashley?</p> <p>16 A Yes.</p> <p>17 Q Do you recall what she was saying at that point in</p> <p>18 time?</p> <p>19 A I don't recall. It just seemed to be a steady</p> <p>20 exchange of Carey talking clearly and loudly, but I</p> <p>21 don't know what was being discussed.</p> <p>22 Q And could you hear anything from Ashley at this point</p> <p>23 in time?</p> <p>24 A I could not hear anything down the hall except Carey.</p> <p>25 Q And you were just under the impression that Ashley was</p>	<p>1 Q Okay. You still --</p> <p>2 A So it says here I heard her. So this report is</p> <p>3 fresher, so I must have heard her say it, and then</p> <p>4 Carey have an exchange with her about that.</p> <p>5 Q You heard Carey Leerek ask Ashley whether she wanted</p> <p>6 her uncle to come to her?</p> <p>7 A Yes.</p> <p>8 Q And Ashley said that she did not?</p> <p>9 A Yeah. So I must have been able to hear that part.</p> <p>10 Q And do you recall anything else as part of that</p> <p>11 exchange, or is that about it?</p> <p>12 A That's about it.</p> <p>13 Q So you go to check on Officer Heather Dzick, who is</p> <p>14 lying prone by some cars on the south end of the</p> <p>15 parking lot.</p> <p>16 A Correct.</p> <p>17 Q And did you ask her, same as you had asked Leerek,</p> <p>18 "Can I get you anything? Do you need a coat?"</p> <p>19 A Correct. Yes.</p> <p>20 Q Was it cold out?</p> <p>21 A It must have been. And I just was assuming we were</p> <p>22 going to stay a while, so I wanted her to be warm and</p> <p>23 comfortable. Because you can get in there and sit for</p> <p>24 20 minutes and all of a sudden get very cold and it's</p> <p>25 unsafe.</p>

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<p>1 Q Because Sergeant Sweeney had been talking about</p> <p>2 slowing things down, you thought these people could be</p> <p>3 out there for a long time?</p> <p>4 A That was a possibility, yes.</p> <p>5 Q And Officer Dzick said she didn't need anything; she</p> <p>6 was fine?</p> <p>7 A Correct.</p> <p>8 Q Did you and Officer Dzick have any further</p> <p>9 conversation that you can recall?</p> <p>10 A No. Once I knew she was okay, I believe that I just</p> <p>11 left again to go back to see what else I could do.</p> <p>12 Q So then you returned to the back door of the apartment</p> <p>13 building?</p> <p>14 A Third time, yes.</p> <p>15 Q Without going inside?</p> <p>16 A That time, I believe I stood outside the back door and</p> <p>17 didn't even walk up into the entry of the back</p> <p>18 hallway.</p> <p>19 Q Do you recall if the back door was still open or not?</p> <p>20 A Can't recall.</p> <p>21 Q Did you speak to anyone at the back door?</p> <p>22 A I don't recall.</p> <p>23 Q Did you, once you got to the back door, think about</p> <p>24 the information that Cate Leerek had provided about</p> <p>25 the earlier call with Ashley DiPiazza?</p>	<p>1 Q Okay. Cate Leerek was still in that same spot?</p> <p>2 A Yes.</p> <p>3 Q And you wanted to discuss with Cate whether this</p> <p>4 information should be relayed to the negotiator, Carey</p> <p>5 Leerek, about Ashley reporting previously that she had</p> <p>6 PTSD from the war?</p> <p>7 A Correct.</p> <p>8 Q And so you got to the spot on that southeast corner</p> <p>9 where Cate Leerek was?</p> <p>10 A Yes.</p> <p>11 Q And did you and Cate exchange any words at that time?</p> <p>12 A I believe that we started -- I started to ask her</p> <p>13 about -- to repeat the information about the prior</p> <p>14 contact with Ashley and discussing with her, "Does</p> <p>15 anyone else have this information? Do you think it's</p> <p>16 relevant that we" -- my intention was, if we decided</p> <p>17 it was important, I wouldn't get on the radio, don't</p> <p>18 want to tie up radio time, and I would walk back and</p> <p>19 try and get it relayed up to Carey. That was our</p> <p>20 conversation about it.</p> <p>21 Q Okay. So to the best of your recollection, you got</p> <p>22 back to Cate Leerek and said, "You know what? Can you</p> <p>23 tell me again about what Ashley said in this prior</p> <p>24 call because it might be relevant to Carey?"</p> <p>25 A Yes. And asking her did Carey already know this,</p>
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<p>1 A At some point, I think I started to wonder if anyone</p> <p>2 else had that information. And again, I came in the</p> <p>3 middle, so I didn't know who had what information.</p> <p>4 Q And so after leaving Officer Dzick, you returned to</p> <p>5 the back door of the apartment building; and while</p> <p>6 there, did you start thinking about the information</p> <p>7 that Officer Cate --</p> <p>8 A I must have. So I think I left there to go back and</p> <p>9 ask Cate again what the details were. Whether I</p> <p>10 shared that with anyone or not, I don't recall because</p> <p>11 it was so minor -- or "minor" isn't the right word.</p> <p>12 It was so fluid, what was going on. And again, I</p> <p>13 wasn't -- I was trying to not complicate things:</p> <p>14 giving more information, standing in the way, that</p> <p>15 sort of thing. So I don't recall saying anything to</p> <p>16 anyone else about what she had just said, when I was</p> <p>17 there the first time, Cate.</p> <p>18 Q Right. But you wanted to talk to Cate Leerek more</p> <p>19 about it and see, "Have you told anybody else about</p> <p>20 this?"</p> <p>21 A Correct. Yes.</p> <p>22 Q Okay. So you, without even stepping inside the back</p> <p>23 door, walked over, back to where Cate Leerek was.</p> <p>24 A In the southeast corner of the perimeter, by the</p> <p>25 building, yes.</p>	<p>1 because, again, I came on late, so sometimes if</p> <p>2 officers have prior knowledge, they might, you know,</p> <p>3 share that as they're responding to the call.</p> <p>4 Q Right.</p> <p>5 A But that was the exchange with Cate.</p> <p>6 Q Okay. So I just want to break it down a little bit</p> <p>7 more.</p> <p>8 A Yep.</p> <p>9 Q So you asked Cate Leerek, again, "Can you tell me</p> <p>10 again what happened or what Ashley said about her</p> <p>11 mental health from that prior call?"</p> <p>12 A Or just asking her, "Can you tell me again about this</p> <p>13 prior call, you know, what the information was that</p> <p>14 you gleaned from that prior contact?"</p> <p>15 Q And then what was Cate Leerek's response?</p> <p>16 A I can't recall the details of it. Again, the gist of</p> <p>17 it was that she and Officer Xiong had been to a</p> <p>18 burglary complaint by Ashley. How far ago that was, I</p> <p>19 don't know. And that they didn't find anything with</p> <p>20 the burglary. I don't recall if we went back to the</p> <p>21 PTSD, Ashley's -- that Cate claimed Ashley told her or</p> <p>22 not. I don't know how much of that exchange happened</p> <p>23 because then the shots were fired.</p> <p>24 Q Okay.</p> <p>25 A So that stopped our conversation.</p>

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<p>1 Q Okay. So what you do recall is getting back to that 2 corner where Cate Leerek was? 3 A Uh-huh. 4 Q Yes? 5 A Yes. 6 Q And asking Cate Leerek, "Can you tell me again about 7 that prior call?" and Cate Leerek responding, "Officer 8 Xiong and I had responded to a burglary call by 9 Ashley," correct? 10 A Yes. 11 Q And do you recall anything else specifically that she 12 said at that time? 13 A I don't recall specifically what she said or if the 14 information changed or if there was more detail. 15 Q Okay. I just want to know what you do recall. 16 A Yeah. And I don't recall much detail about it. 17 Q Okay. And then the next thing that happened is you 18 hear shots fired? 19 A Within that short period of time with Cate, heard 20 shots fired to the west of us in the building, it 21 sounded like. 22 Q Okay. So do you recall anything between the time you 23 got back to Cate Leerek's position and said, "Can you 24 tell me again about that call?" and she's telling you, 25 "Officer Xiong and I responded to a call by Ashley for</p>	<p>1 A I could not. 2 Q After shots were fired, could hear anything from 3 inside the building, yelling or commands? 4 A No. Couldn't hear any speaking or anything inside 5 there. 6 Q You just heard the very loud gunshots. 7 A Yes. 8 Q And then you heard someone on the radio say that shots 9 were fired, which you already knew because you had 10 heard? 11 A That is correct. 12 Q And someone on the radio also said that the officers 13 were okay? 14 A Yes. 15 Q Which is something you hadn't known from being 16 outside? 17 A Correct. 18 Q Did you hear anything, any announcements on the radio 19 just prior to shots being fired? Anything come over 20 your radio? 21 A I don't recall. 22 Q After you heard that the officers were okay, did you 23 go back to the back door of the apartment building? 24 A At the point the radio communication was, that the 25 officers were okay, I said to Cate, "Do you want me to</p>
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<p>1 a burglary," and the shots going off? 2 A I don't recall much between there, correct. 3 Q But do you recall anything between there? 4 A I do not. 5 Q Okay. And you heard at least six shots fired? 6 A Yes. 7 Q And it sounded like it was coming from two different 8 weapons? 9 A Yes. 10 Q And so both you and Officer Cate Leerek dropped to 11 your knees to avoid the risk of being hit by gunfire? 12 A Yes. 13 Q Because you were standing right on the back wall of 14 Ashley's bedroom? 15 A Yes. I don't know that I knew that was her bedroom, 16 but it was the back wall of the apartment. 17 Q When you were standing with Cate Leerek, could you 18 hear anything from Ashley, crying or talking or 19 anything like that? 20 A I don't recall hearing anything from inside the 21 building. 22 Q Could you hear Carey Leerek? 23 A No. 24 Q Could you hear anything from inside the building prior 25 to shots fired?</p>	<p>1 stay here and you can go in, or do you want me to go 2 in and go check Carey?" because they're partners. And 3 she said, "I'll stay here. You go ahead and go in." 4 So I went around the building, went up the hallway to 5 the Apartment 2 door, the entry door into the 6 apartment. 7 Q And when you got there, did you put on gloves? 8 A I did. 9 Q And then you proceeded into Apartment 2? 10 A I walked in. The door was open. 11 Q And this was the first time that you had been in 12 Apartment 2. 13 A Correct. 14 Q And there were people, officers, in the apartment 15 before you walked in? 16 A Correct. 17 Q You saw Officers Pihlaja, Bailey, Carey Leerek, Keys, 18 and Eull in Apartment 2? 19 A And then I believe Sergeant Sweeney. 20 Q And Sergeant Sweeney as well? 21 A I believe. That is the people that I recall being in 22 there when I came in. 23 Q Okay. Anybody else in the apartment besides Ashley 24 and those officers and Sergeant Sweeney when you 25 walked in?</p>

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<p>1 A I didn't see anybody else. If there was someone, I</p> <p>2 didn't see them.</p> <p>3 Q You could smell the gunpowder?</p> <p>4 A I could, yes.</p> <p>5 Q Approximately how long after the gunshots went off</p> <p>6 were you present in the apartment?</p> <p>7 A Maybe 15 seconds, 20 seconds later, I went into the</p> <p>8 apartment.</p> <p>9 Q Very quickly afterwards.</p> <p>10 A Yes.</p> <p>11 Q And you saw a white female, who we know to be Ashley,</p> <p>12 on the floor of the apartment?</p> <p>13 A Yes.</p> <p>14 Q And you saw that most of her body was in the living</p> <p>15 room, but part of it was in the doorway to the</p> <p>16 bedroom?</p> <p>17 A There was a bedroom, and her torso -- a significant</p> <p>18 amount of her body was in the living room, but in the</p> <p>19 door well of the bedroom. Her upper body was. So,</p> <p>20 yes, what you said.</p> <p>21 Q Most of her body was in the living room, but part of</p> <p>22 it was in the doorway to the bedroom.</p> <p>23 A Correct.</p> <p>24 Q And was she face up or down?</p> <p>25 A I believe, by the time I was there, she was face up.</p>	<p>1 Q And then you heard someone say that Ashley was</p> <p>2 deceased?</p> <p>3 A Yes.</p> <p>4 Q And you noticed a large clot of blood on the floor</p> <p>5 near Ashley?</p> <p>6 A Yes.</p> <p>7 Q And she had obvious gunshot wounds to the face?</p> <p>8 A Yes.</p> <p>9 Q And when you first saw Ashley, she had been face down;</p> <p>10 is that correct?</p> <p>11 A Yes.</p> <p>12 Q And her legs were bent in an unnatural position?</p> <p>13 A Correct. I believe they were -- I can't say if they</p> <p>14 were when she was face down, but when she was turned</p> <p>15 over, laying on her back with her torso facing upward,</p> <p>16 her face, her legs were in a weird, unnatural</p> <p>17 position.</p> <p>18 Q When you saw her face down, you don't recall whether</p> <p>19 she looked like she was laying prone more naturally or</p> <p>20 whether she was...</p> <p>21 A I don't recall much about how she looked face down.</p> <p>22 Q I'm just going to look for photographs. So I'm</p> <p>23 showing you what's been marked as Exhibit 5.</p> <p>24 A Okay.</p> <p>25 Q Is that the position you saw Ashley in after she was</p>
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<p>1 Q Did you see someone turn Ashley over in order to</p> <p>2 evaluate whether she needed medical attention?</p> <p>3 A I may have, yes. It's a little hazy, the fluidity of</p> <p>4 it.</p> <p>5 Q Right. I can --</p> <p>6 A Do you want me to review?</p> <p>7 Q Yep.</p> <p>8 A Okay.</p> <p>9 Q Please refresh your --</p> <p>10 A Which page?</p> <p>11 Q -- recollection. We're on page 3.</p> <p>12 A Okay. Okay. Here we go.</p> <p>13 Q Right here.</p> <p>14 A Yes. Someone turned the female's body over to expose</p> <p>15 her face or front torso.</p> <p>16 Q So upon reviewing your report, does that refresh your</p> <p>17 recollection?</p> <p>18 A Yes.</p> <p>19 Q Okay. So you saw Ashley on the floor of the apartment</p> <p>20 with most of her body in the living room, part of it</p> <p>21 in the doorway of the bedroom, correct?</p> <p>22 A Yes.</p> <p>23 Q And then you saw someone turn the woman over in order</p> <p>24 to evaluate whether she needed medical attention?</p> <p>25 A Yes.</p>	<p>1 turned over onto her back?</p> <p>2 A I don't recall how exactly she looked. I apologize,</p> <p>3 I just don't remember. This could be, but I can't say</p> <p>4 for certain.</p> <p>5 Q Okay. Do you recall anything -- Ashley being in any</p> <p>6 position other than what appears in Exhibit 5 after</p> <p>7 she was --</p> <p>8 A I don't. I don't recall anything. I do recall her</p> <p>9 being face up. I don't remember how it looked when</p> <p>10 she was face down.</p> <p>11 Q And same question for Exhibit 6. Do you recall that</p> <p>12 -- does that comport with your memory of how Ashley</p> <p>13 was when she was face up?</p> <p>14 A The legs look how I saw her legs.</p> <p>15 Q In that unnatural position you were talking about?</p> <p>16 A Correct.</p> <p>17 Q And when you had reported to DCI that you noticed a</p> <p>18 large clot of blood on the floor, were you referring</p> <p>19 to what we see at the bottom of Exhibit 6 or something</p> <p>20 else?</p> <p>21 A This would be what I was referring to.</p> <p>22 Q The large clot at the bottom of Exhibit 6?</p> <p>23 A Yes.</p> <p>24 Q And also at the bottom of Exhibit 5?</p> <p>25 A Correct.</p>

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<p>1 Q When Ashley had been face down, if you recall, was her 2 head where we see that clot? 3 A I don't recall. It makes sense that could be, but I 4 don't recall. 5 Q And when you originally saw Ashley partly in the 6 living room and partly in the bedroom, was this her 7 approximate position as to part -- and not whether 8 it's face up or down, but -- 9 A Yes. 10 Q -- the part of her body being in the living room and 11 part of her body being in the bedroom, or does this 12 look significantly forward or backward from when you 13 originally saw Ashley? 14 A This is about where I saw her body, between the two 15 spaces of the living room and the bedroom. 16 Q Okay. 17 A Good? 18 Q And you saw Officer Leerek rubbing her ear while she 19 was standing in the apartment? 20 A I did, yes. 21 Q Carey Leerek? 22 A Carey -- Officer Carey Leerek, yes. 23 Q And Carey Leerek remarked that the gun had been right 24 next to her ear? 25 A Somewhere during the short time I was in there when</p>	<p>1 Q And had they left by the time you left with Officer 2 Bailey, or do you not know? 3 A I don't recall. 4 Q And you knew that you were not supposed to ask 5 questions of Officer Bailey about what happened? 6 A I not only knew it, I just wasn't going to ask him 7 anything out of respect for everybody involved. 8 Q You just asked him questions about his personal 9 comfort and that sort of thing? 10 A That's correct. 11 Q And Officer Bailey was quiet, but not more than he 12 usually was? 13 A That is correct. 14 Q Did Officer Bailey appear normal to you? 15 A I don't know him very well. I've not worked with him 16 much. And what I know of him, he's very quiet, and he 17 seemed consistent with how I normally been around him. 18 Q You obtained information for Officer Bailey's 19 emergency contact person? 20 A So we then began to -- I prompted to ask him about 21 food, water, did he need to sit down, who do we want 22 to call as an emergency contact, because I'm not his 23 designee. So we wanted to get that moving. 24 Q And so you got Officer Bailey's cell phone for him? 25 A Yeah. I must have gotten it maybe from -- I'm</p>
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<p>1 she was rubbing her ear. Who she said it to or how, 2 but something about, "The shots were fired right by my 3 ear." 4 Q And just looking at page 3 of your report... 5 A Okay. 6 Q Last sentence. 7 A "She heard" -- I heard her remark that the gun had 8 been right next to her ear, yes. 9 Q Do you recall any other conversations while you were 10 in the apartment? 11 A The only conversation was Sergeant Sweeney beginning 12 to simply assign who was going to go where and what 13 the next action was going to be. 14 Q I understand you have to start like an officer- 15 involved shooting protocol? 16 A Correct. 17 Q So did you get assigned to pair up with Officer Bailey 18 then? 19 A I did. 20 Q And so approximately how long were you in the 21 apartment before you were paired up with Bailey? 22 A Three minutes? Not very long, from what I recall. 23 Q Did you see fire and rescue or emergency personnel 24 come in? 25 A When I was there, at some point they were in there.</p>	<p>1 assuming, from his car, or we went together and got 2 it. I don't recall that part. 3 Q Did you see him make any phone calls or did you make 4 any phone calls on his behalf that you recall? 5 A I don't recall. 6 Q And you also retrieved Officer Bailey's lunch for him? 7 A Out of -- yes. That would have been in his squad car. 8 Q And did he eat it or do you not -- 9 A I don't -- I don't think he ate anything when I was 10 with him. 11 Q And you also obtained water for him? Do you want to 12 look at your report? 13 A I do. 14 Q Okay. Page 4. 15 A And I got him some water. That is correct. 16 Q Did you see him drink it, or you don't recall? 17 A I don't recall. 18 Q And then is the next thing you recall that somebody 19 said they needed to determine which weapons were 20 involved? 21 A Yes. 22 Q So you asked Officer Bailey if he had fired his 23 handgun? 24 A Yes. 25 Q And he said, "Yes, I did"?</p>

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<p>1 A He gave me an affirmative. What his words were, I</p> <p>2 don't recall.</p> <p>3 Q And then at some point, I'm assuming Officer Bailey's</p> <p>4 emergency contact person showed up and relieved you of</p> <p>5 your duty?</p> <p>6 A Yes.</p> <p>7 Q And did you have any more involvement on the scene, or</p> <p>8 did you just go back and wait to be interviewed by</p> <p>9 DCI?</p> <p>10 A I did not do anything more at the perimeter inside the</p> <p>11 scene. And to the best of my recollection, we would</p> <p>12 have all been asked to respond to a district, and I</p> <p>13 believe we went east, to East District, and stand by</p> <p>14 for further instruction.</p> <p>15 Q And your entire report to DCI that's been contained in</p> <p>16 Exhibit 39 was truthful and accurate to the best of</p> <p>17 your ability?</p> <p>18 A Yes.</p> <p>19 Q And you don't recall whether you were able to review</p> <p>20 it prior to being finalized?</p> <p>21 A I don't recall.</p> <p>22 Q But you do know from your 26 years of experience that</p> <p>23 that would be the regular practice?</p> <p>24 A Correct.</p> <p>25 Q And you don't recall whether or not you made any</p>	<p>1 being in law enforcement with Cottage Grove?</p> <p>2 A I don't recall. I do not believe so.</p> <p>3 Q Okay. You never heard Ashley make any threats on the</p> <p>4 scene?</p> <p>5 A I did not.</p> <p>6 Q Did you hear anybody on the scene saying that Ashley</p> <p>7 had threatened them?</p> <p>8 A Those specific words, no.</p> <p>9 Q Did you hear anybody on the scene saying anything to</p> <p>10 the effect that Ashley had threatened them?</p> <p>11 A They were on the radio communicating what was</p> <p>12 happening between what Ashley's actions were, because</p> <p>13 that's standard protocol, but I don't recall what they</p> <p>14 said or what was being shared because I was basically</p> <p>15 working around the perimeter.</p> <p>16 Q So if you heard someone reporting that Ashley had made</p> <p>17 a threat, it would have been over the radio?</p> <p>18 A Because of where I was at, not close up, the only way</p> <p>19 I would have known that is if somebody at the actual</p> <p>20 contact with her radioed it to the rest of us. And I</p> <p>21 don't recall.</p> <p>22 Q You don't recall that actually happening?</p> <p>23 A Correct. I don't recall what all the radio traffic</p> <p>24 was that night.</p> <p>25 Q And you have no recollection of anybody on the scene</p>
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<p>1 changes to --</p> <p>2 A I don't recall.</p> <p>3 Q And you have no recollection of telling anybody on the</p> <p>4 scene that Cate Leerek had reported to you that Ashley</p> <p>5 was a veteran with PTSD?</p> <p>6 A I did not get an opportunity or -- that is correct. I</p> <p>7 did not talk to anyone about that at the scene.</p> <p>8 Q As you were about to do that, and working out a plan</p> <p>9 to do that, the shots were fired; is that correct?</p> <p>10 A Yes. I don't know if I would have gone back over</p> <p>11 because I just didn't know if they already knew that</p> <p>12 or not.</p> <p>13 Q But as you were considering --</p> <p>14 A Yes.</p> <p>15 Q -- doing that --</p> <p>16 A The shots were fired, so there was no ability to go</p> <p>17 tell them then.</p> <p>18 Q At any point, did you hear anything from Ashley other</p> <p>19 than something about her uncle being in the Cottage</p> <p>20 Grove Police Department?</p> <p>21 A I was not able to hear due to my distance or my being</p> <p>22 in areas where I couldn't hear clearly much of what</p> <p>23 she was saying.</p> <p>24 Q So at any point, did you hear Ashley say anything</p> <p>25 other than what you've already told me about her uncle</p>	<p>1 complaining that Ashley had made a physical threat; is</p> <p>2 that correct?</p> <p>3 A I don't recall.</p> <p>4 Q Is there anything other than your report in Exhibit 39</p> <p>5 that you could look at to refresh your recollection?</p> <p>6 A The only way -- the only possible information would be</p> <p>7 is the dispatch notes of what was being shared at the</p> <p>8 scene. Does that make sense? And so, again, I was on</p> <p>9 the peripheral of it, so even though I was listening,</p> <p>10 my relevance to all of it in terms of what I needed to</p> <p>11 know was not significant. So I don't recall what they</p> <p>12 were saying inside, and if they even said anything on</p> <p>13 the radio to anybody, because of the close proximity.</p> <p>14 So I have absolutely no information about whether</p> <p>15 Ashley said a threat or acted threatening because I</p> <p>16 wasn't in there to see it and I don't recall hearing</p> <p>17 anything.</p> <p>18 Q Understood.</p> <p>19 A Okay.</p> <p>20 Q When you were behind the building with Cate Leerek on</p> <p>21 the southeast corner the second time as shots were</p> <p>22 going off?</p> <p>23 A Yes.</p> <p>24 Q During that time, did you hear any radio transmissions</p> <p>25 that you can recall other than after the shots were</p>

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<p>1 fired that the officers were okay?</p> <p>2 A Prior to that did I hear anything?</p> <p>3 Q Right.</p> <p>4 A I did not.</p> <p>5 Q Did you hear -- do you recall hearing any radio</p> <p>6 transmissions while you were standing there other than</p> <p>7 that one about shots are fired, officers are okay?</p> <p>8 A I don't recall any other when I was with Cate about</p> <p>9 what was going on inside. That is correct.</p> <p>10 Q And did you hear anything coming from -- I know you've</p> <p>11 told me you didn't hear any voices coming from inside.</p> <p>12 Did you hear any thuds, bangs, crashes, noises other</p> <p>13 than gunshots?</p> <p>14 A I don't recall. The gunshots were quite shocking, so</p> <p>15 I don't remember if there was anything besides that.</p> <p>16 Q Do you want to take a quick break, and then I'll just</p> <p>17 have a couple more questions --</p> <p>18 A Sure.</p> <p>19 Q -- for you, if that, and then we'll be done?</p> <p>20 A Yeah. That's fine.</p> <p>21 MS. KAISER: That's fine.</p> <p>22 MS. FARRELL: Okay.</p> <p>23 THE REPORTER: Off the record.</p> <p>24 (Off the record)</p> <p>25 THE REPORTER: We're back on the record.</p>	<p>1 about my dog?</p> <p>2 MS. KAISER: I do, off the record. I want</p> <p>3 to know all about your dog.</p> <p>4 THE WITNESS: Yeah. He's pretty cool. All</p> <p>5 of them are cool, but...</p> <p>6 THE REPORTER: All right. There being no</p> <p>7 further questions, this deposition is concluded</p> <p>8 at 11:24 a.m. Off the record.</p>
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<p>1 BY MS. FARRELL:</p> <p>2 Q Do you recall, at any time when you were talking to</p> <p>3 Cate Leerek, her expressing wishes to get inside the</p> <p>4 apartment to help with the negotiations or negotiate</p> <p>5 herself because of this prior contact she had with</p> <p>6 Ashley?</p> <p>7 A I don't recall her saying she wanted to go and do it</p> <p>8 necessarily. I remember us trying to discuss the</p> <p>9 facts of what information she had about her, and</p> <p>10 basically discussing, you know, what we could do to</p> <p>11 try to help the situation. Not me, but if there was</p> <p>12 anything she could add to it. But I don't recall her</p> <p>13 saying, "I want to go in there and negotiate with</p> <p>14 her."</p> <p>15 MS. FARRELL: How about that?</p> <p>16 MS. KAISER: That's it.</p> <p>17 MS. FARRELL: I say I have a couple</p> <p>18 questions, and --</p> <p>19 THE WITNESS: Oh.</p> <p>20 MS. FARRELL: -- then I only have one.</p> <p>21 MS. KAISER: Wow.</p> <p>22 MS. FARRELL: I don't think that's ever</p> <p>23 happened.</p> <p>24 MS. KAISER: I think that -- mark that.</p> <p>25 THE WITNESS: Hey, don't you want to know</p>	